

40.70. Repealed [ORD 4302; May 2004]**40.75. STREET VACATION****40.75.05. Purpose.**

The purpose of Street Vacation is to recognize that changes to the City's existing street system are occasionally required. Therefore, the following application has been established to allow limited changes to the City's existing street system without adversely affecting safe and efficient circulation throughout the City. A Street Vacation is a legislative action which is not subject to the 120 day rule of ORS 227.178. This Section is carried out by the approval criteria listed herein.

40.75.10. Applicability.

Alteration to the City's existing streets that involve the vacation of streets, right-of-way, easements, or both shall be reviewed by the City Council.

40.75.15. Application.

There is a single Street Vacation application which is subject to the following requirements.

1. Street Vacation.

- A. Threshold. An application for Street Vacation shall be required when the following threshold applies:
 - 1. Abandonment or otherwise vacation of an existing public transportation right-of-way or public easement that is within the City of Beaverton.
- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Street Vacation. The decision making authority is the City Council.
- C. Approval Criteria. In order to approve a Street Vacation application, the City Council shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - 1. The proposal satisfies the threshold requirements for a Street Vacation application.

40.75.15.1.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposed Street Vacation meets the eligibility provisions of ORS 271.080.
4. The proposed Street Vacation will not adversely impact street connectivity as identified in the Transportation Element of the Comprehensive Plan.
5. The proposed Street Vacation will not adversely impact police, fire, and emergency service in the area.
6. That the vacation of the street will not hinder accessibility to any above ground or underground public facilities.
7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Street Vacation shall be made by the owner of property abutting the right-of-way or easement, or the owner's authorized agent, the City Council, Mayor, or their designee on a form provided by the Director and shall be filed with the Director. The Street Vacation application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The City Council may impose conditions on the approval of a Street Vacation application to ensure compliance with the approval criteria.

F. Appeal of a Decision. Refer to Section 50.45.18.B.

